

No. 03-4212

IN RE: KENSINGTON INTERNATIONAL LIMITED and
SPRINGFIELD ASSOCIATES, LLC, Petitioners
(Related to U.S. Bankruptcy Court for the District of DE No. 00-03837)

and

No. 03-4526

IN RE: D.K. ACQUISITION PARTNERS, L.P.; FERNWOOD ASSOCIATES, L.P.;
DEUTSCHE BANK TRUST COMPANY AMERICAS, Petitioners
(Related to U.S. Bankruptcy Court for the District of DE No. 01-01139)

Present: FUENTES, SMITH and GARTH, Circuit Judges

1. Motion by Petitioners, Kensington International et al, to Set Briefing Schedule also construed as Motion to Designate USG and USG Creditors as Petitioners
2. Response to Motion by Respondents, Owens Corning et al also construed as a Motion to Compel Filing of a Joint Appendix
3. Response in Opposition to Motion by Respondent, W. R. Grace

ORDER

The foregoing motions and responses are considered. Owens Corning's motion to compel the filing of a joint appendix is granted. Petitioners' motion is denied as presented to the extent it seeks to have a particular briefing schedule ordered. Rather, briefing shall proceed as follows:

~~Petitioners' briefs and the joint appendix~~ shall be filed and served on or before 12 noon on February 23, 2004.

Respondents' briefs shall be filed and served on or before 12 noon on March 12, 2004.

Petitioners' reply briefs shall be filed and served on or before 12 noon on March 19, 2004.

Oral argument shall take place on April 19, 2004.

The parties are hereby directed to file two (2) copies of each brief with each member of the Court's panel, addressed as follows:

The Honorable Julio M. Fuentes
Martin Luther King, Jr. Federal Building & US Courthouse
Room 5032
50 Walnut Street
Newark, NJ 07102


The Honorable D. Brooks Smith
Allegheny Professional Center
Suite 203
1798 Old Route 220 North
Duncansville, PA 16635-8341

The Honorable Leonard I. Garth
Martin Luther King, Jr. Federal Building & US Courthouse
Room 5040
50 Walnut Street
Newark, NJ 07102

Four (4) copies of each brief shall be filed with the Clerk's office. All briefs shall be filed and served via overnight or hand-delivery and must be received by the Judges, Clerk's Office and opposing counsel or or before the deadline set forth above. Counsel may agree to accept service electronically. The provisions of Fed. R. App. P. 25(a)(2)(B) and 26(c) shall not apply.

To the extent Petitioners seek to have USG Corp. and the Official Committee of Unsecured Creditors of USG designated as Petitioners, the motion is granted for purposes of the briefing schedule and oral argument only.

A True Copy:



Marcia M. Waldron,
Clerk

By the Court,

/s/ Julio M. Fuentes
Circuit Judge

Dated: February 4, 2004

nmb/cc: All Counsel of Record